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toward conditions. The Czar of Russia, who suggested the Hague Tribunal, is involved in internecine war that strains the resources of his empire, but the International Court of Arbitration at The Hague will remain an enduring monument to his wisdom, and shed more glory upon his reign than any triumph, however great, his armies may achieve. The establishment and continued existence of the Permanent Court of International Arbitration will make it more difficult in the future than it has been in the past for nations to engage in war. I believe that its influence will grow slowly, but steadily, and that each resort to its decisions will tend to form and strengthen the habit of looking thitherward, to settle international difficulties by an appeal to reason instead of an appeal to arms.

There is good ground for thinking that the project of a treaty of arbitration between England and the United States is in a forward state of progress, and that the rejection of the Treaty of 1897 by the Senate will help, rather than hinder, the present movement. Its rejection has served to concentrate public attention upon the subject, and in the meantime free discussion and criticism have served to measurably mature a favorable public opinion on both sides of the Atlantic. What imagination is not kindled, what heart does not glow, at the thought of an arbitral agreement between the two great English-speaking nations of the world! Too powerful to be animated by any other motive than a brave and worthy one, the moral effect of their agreement in such a treaty could not fail to advance the cause of international arbitration to a world-wide acceptance.

As for ourselves, we are bound by our own past. There is no more glorious page in our history than that which records its list of arbitral agreements and establishes its leadership in upright diplomacy and peaceful settlement of international difficulties. That international law is no longer the sport of kings and a mockery of the hopes of humanity is largely due to the assertion of its obligations by the statesmen of our formative period. "The parliament of man and the federation of the world" is emerging from the mist of poetry into the sunlight of the practical world. When American diplomacy secures an open port from China, it is not for American commerce alone, but for the commerce of the world. A selfish, sordid, aggressive, or merely a self-serving national policy, will be more difficult to maintain in the future than it has been in the past. Our own national conduct must more and more conform to the enlightened conscience of the country, and will more and more have applied to it the test of morality, as well as of self-interest. What we would highly, that would we holily, and, in the words of an American President, "I mistake the American people if they favor the odious doctrine that there is no such thing as international morality; that there is one law for the strong nation and another for the weak one, and that even by indirection a strong power may, with impunity, despoil a weak one of its territory." There is growing to be a chivalry among nations as there has been a chivalry among men, and, under the protection of that sentiment, the weak nations of the world are measurably secure from aggression or spoliation. No present advantage will justify national disregard of this high behest, or heal the wound inflicted upon the honor of a nation by the abuse of its power.

Since the last meeting of this Conference a year ago there has been a notable triumph in the cause of international arbitration, in the submission by the United States and Great Britain to an arbitral tribunal of the difficult questions arising out of the disputed Alaskan boundary, which had so long vexed the diplomacy and menaced the peace of both countries. It is hard to exaggerate the importance of this submission and of the judgment which ensued. The question submitted was not only one of long standing, but involved many things irritating to the inhabitants of both countries. Feeling and passion had become excited on both sides, and the conditions which are generally antecedents of war were beginning to be manifest. All that has now passed away with the judgment of the tribunal, and, notwithstanding some outcry from our friends across the Canadian border, general acquiescence characterizes the situation. Moreover, the submission involved a territorial question, and it was also thought, by excited patriots, to touch to some extent the honor of the two countries; in other words, the submission covered points which cautious friends of arbitration have been over-careful to exclude from its jurisdiction.

The submission to the Hague Tribunal, by three of the most powerful nations of the world, of the question of preferential treatment in the payment of claims by the Venezuelan government, is another notable triumph, from which we take much encouragement for the future. A warlike demonstration was being made by the claimant nations, any one of whom could have enforced its will, with comparatively little trouble, against so weak a debtor nation. The assent given by the governments interested to the insistence of the United States that their claims should be submitted to arbitration, and their final agreement to refer a part of the controversy to the Hague Tribunal, has done much to strengthen the sentiment that supports this great international tribunal.

These two arbitrations and the contention by our State Department for world open ports in China are in line with the best traditions of American diplomacy, and reflect credit on the Administration which promoted them.

I trust that I am not too optimistic. I fully realize that there are yet many difficulties to overcome, and that stout hearts and a firm purpose are necessary to the accomplishment, even in part, of the object we have in view. But we have passed through the stage of indifference, and contest now with those who oppose would only strengthen our cause. The growing civilization of our time, the broader humanity and more catholic spirit that characterize the generation now on the stage, the diffusion of intelligence and freer intercommunication of thought between the peoples of the world, have brought to our side the most generous impulses and pious aspirations of the day in which we live. We hail the oncoming years of the new century with high hopes and renewed faith.

The Year's Progress in Arbitration.

Address of Benjamin F. Trueblood at the Opening of the Tenth Annual Mohonk Lake Conference on International Arbitration, June 1.

The standard by which the progress of arbitration is now to be measured is the Hague Court, the way in which the governments act toward it and the people

think and talk about it. With this standard before us, what has the last twelvemonth to show?

When we were here last year, the Court had dealt with and settled quickly and inexpensively the Pious Fund Case, and we were throwing up our hats that the august tribunal had got successfully under way through the stimulation of the two foremost republics of this half of the world.

Since that time the Court has had before it and disposed of the most remarkable lawsuit, if lawsuit is the proper name for it, which the world has ever seen. The question at issue was whether Great Britain, Germany and Italy, the three powers which had sent out their fleets to collect by force from Venezuela some debts claimed to be due sundry of their citizens, should have preferential treatment over the United States, France, Mexico, Spain, the Netherlands, Belgium, and Sweden and Norway, in the payment of their claims from the thirty per cent. of the revenues of the two specified ports which had by agreement been set apart for that purpose.

The three belligerent powers on the one side and the seven pacific ones on the other—five of them great powers, six of them smaller—appeared on an equality at the bar of the Court, represented each by agents and counsel as eminent as the civilized world could furnish. Just here lies the immense significance of this case. The decision has given great disappointment. The arbitrators selected for the determination of the controversy seem to have thought that the case was not before them in the large and important sense which the public generally supposed. Venezuela had promised, through Mr. Bowen, that if the blockading powers would lift the blockade, thirty per cent. of the revenues of two specified ports would be set aside for the payment of their claims. The pacific powers had not yet appeared in the negotiations. So the Court treated the case as one of contract, and decided unanimously that the three blockading powers were, because of this promise, entitled to full payment from these specified revenues before the other powers should receive anything therefrom. Under the circumstances no other decision seems to have been possible. The award is likely to have considerable influence in inducing the governments of the world to observe their contracts and promises more scrupulously than they have heretofore done.

However narrow and disappointing the decision may seem to many, the fact that eleven powers, including so much of the civilized world, appeared at the same time before this new international court, submitting their contention candidly to its jurisdiction and then loyally abiding by its decision, is an event of the first magnitude in the organization of justice and peace among the nations.

The Japanese House Tax controversy, which was referred to the Court before the Venezuela case, has not yet been disposed of. The written arguments have been presented to the arbitrators, and the counter cases will be presented in the course of a few months. The decision of this case, which may be expected next winter, will probably settle for all time to come in international law the question whether foreign residents can be taxed for improvements upon land held under perpetual lease.

But the Hague Court has received still more signal support during the year. Great Britain and France, France and Italy, Great Britain and Italy, Holland and

Denmark, Great Britain and Spain, France and Spain, and France and Holland have, within the last eight months, concluded treaties under the terms of which they have pledged themselves to submit for five years certain classes of cases to the International Court.* The treaty between Holland and Denmark is without limitations. The others reserve questions of vital interest and national honor, whatever these may be.

The story of the negotiation and conclusion of these treaties reads like romance. The campaign which led to the signing of the first of them, that between France and Great Britain on the 14th of October last, was one of the most remarkable in the history of social progress. All the important Chambers of Commerce and Boards of Trade in both countries were canvassed by Dr. Thomas Barclay and others, until two hundred and seventy-five of them had voted resolutions in favor of a treaty. All the Departmental Councils of France, more than eighty in number, were consulted by Mr. D'Estournelles de Constant, leader of the Arbitration Group in the French Chamber of Deputies, and more than three-fourths of them voted in favor of a treaty. Mr. Delcassé and Lord Lansdowne understood the meaning of this public mandate, and quickly concluded the treaty of October 14, the first convention in history in which two first-class powers have agreed in advance to submit certain classes of disputes to an impartial tribunal. I do not forget, in making this statement, the honor which must always belong to Chile and the Argentine Republic, not powers of the first rank, which first in the history of the world concluded a treaty of obligatory arbitration. After the Anglo-French Treaty there followed on Christmas Day the treaty between France and Italy, and soon after the other five above mentioned. In addition to these European treaties, Bolivia and Spain have also concluded an arbitration convention without limitations.

The movement which led to these treaties has not yet spent itself. France is in negotiation with a number of other governments, some of them in South America, for similar agreements. Within the last month it has become known that Norway has commenced negotiations for arbitration treaties with no less than ten governments. It has been known for more than three months that several of the powers of western Europe have approached our own government with proposals for treaties of arbitration similar to those already concluded in Europe. It is reasonable to expect, therefore, that before another Mohonk Conference convenes from half a dozen to a dozen more arbitration treaties stipulating reference to the Hague Court will have been signed.

It is in place here to say that the recent remarkable agreement between France and Great Britain, declared to be the greatest diplomatic accomplishment of modern times, an agreement which disposes of, or provides for, the disposal by arbitration of all the outstanding differences between the two countries, is a direct fruit, not only of the existence of the Hague Court, but also of this movement for special arbitration treaties stipulating reference to the permanent tribunal. It has often been claimed that when arbitration became the settled and recognized method of settling disputes, there would probably be less and less use made of it, because diplomacy

* While the Conference was still in session it was announced that a similar treaty had just been signed by Spain and Portugal.

would then be ready to adjust all ordinary controversies by direct negotiation. In this great agreement France and Great Britain have settled by direct diplomatic means more differences than are likely to be referred to the Hague Court in the next ten years. Under their recent arbitration treaty most of these differences would finally have gone to the Hague Court, and the foreign offices concluded that it was just as well to take them directly in hand and dispose of them. How much they thought of taking the glory of it to themselves, one cannot say. They certainly are entitled to all they have got out of it.

The Hague Court has recently received from Switzerland a bit of indirect support which may prove to be of the greatest moment. In completing their arbitration agreement, the Argentine Republic and Chile chose the King of England as their general referee. In the cases, however, where England might happen to be a party to the dispute they decided to make the Swiss Federal Council their arbitrator. When asked if it would serve in this capacity, the Federal Council promptly responded that since the Hague Court had come into existence it considered its rôle as an arbitrator at an end. Switzerland has done many services to the cause of arbitration but probably never a greater one than this.

Not much progress has been made towards the ratification of the arbitration treaties signed at the Pan-American Conference more than two years ago. After waiting two years the United States Senate Committee on Foreign Affairs just before Congress adjourned in April reported favorably the treaty providing for the submission to the Hague Court of all questions of claims between the American States. Only one or two of the Central and South American Republics seem as yet to have given any serious attention to these treaties.

Besides these cases dealt with by the Hague Court, a number of differences have been during the year referred to special arbitrators or arbitral commissions. The most important of these are :

The boundary dispute between Ecuador and Peru.

The boundary dispute between Colombia and Peru.

The claims for indemnity of French citizens on the Treaty Shore of Newfoundland; provided for under the general agreement between France and Great Britain.

The question of the boundary line at the entrance of the Christiania Fiord, between Sweden and Norway.

The land question in the New Hebrides, between France and England; also provided for under the Anglo-French agreement.

The Barotzeland frontier question, between Great Britain and Portugal.

The controversy between the Turkish government and the Administration of the Ottoman debt.

Within the year several cases referred to special arbitrators or commissions have been decided. These are :

The ten cases of claims against Venezuela, most of which have been completed. These cases were really arbitrations, as provision was made, in case of necessity, for umpires.

The interpretation of Article 10 of the Commercial Treaty of 1874, between Italy and Peru.

The Tientsin Railway Siding dispute, between Russia and Great Britain.

The Alaska Boundary dispute.

This Alaska Boundary Settlement, though not strictly an arbitration, is a great triumph of the principle of pacific adjustment. The immediate dissatisfaction in Canada produced by the award seems largely to have passed away. The removal of the matter from the field of controversy, where it would necessarily have continued to produce distrust and friction, will in the nature of the case have a decided influence in promoting friendly relations between us and our northern neighbor.

Besides the above cases, several which have been left over from previous years are still pending.

The most important event that has occurred in this country during the year in connection with the arbitration movement was the formation in Congress on the 13th of January last of an American Group of the Inter-parliamentary Union. This Union, which has been in existence for fifteen years, and has grown to be a powerful association of more than a thousand members, from the parliaments of all the constitutional governments of Europe, has hitherto had little following in the United States, only two or three members of our Congress having been connected with it. It was on the initiative of Hon. Richard Bartholdt, Member of Congress from Missouri, supported by Hon. Samuel J. Barrows, ex-Member of Congress from Massachusetts, that the American Group was organized in January. The Union has accepted the invitation of the American Group to hold its Conference this year in St. Louis the first week in September. Congress has, at the suggestion of the Group, appropriated fifty thousand dollars for the entertainment of the foreign delegates, and it is expected that the meeting in September will be one of the most imposing demonstrations in behalf of international arbitration and peace ever held.

On the 12th of January, the day before the organization of the Group above alluded to, a great Conference was held in Washington in the interest of arbitration and especially of an arbitration treaty with Great Britain. This Conference was organized, under the lead of Hon. John W. Foster, for the past two years chairman of this Conference, by the National Arbitration Committee appointed by a similar Conference held at Washington in April, 1896. This Conference brought together the most distinguished body of men — statesmen, diplomats, jurists, clergymen, educators, men of affairs — that ever met on American soil for a like purpose. The Conference adopted resolutions urging our government to negotiate a treaty with Great Britain, and other powers ready to act, providing for the submission to the Hague Court of all controversies not capable of solution by ordinary diplomatic agencies. Both the President and the Secretary of State, to whom the resolutions were communicated, expressed their cordial approval of the purpose of the Conference, but no steps have yet been taken, so far as is known, toward the conclusion of such treaties, because the Senate, as a part of the treaty-making power, has not yet shown itself ready to move in the matter. A sub-committee of the Senate Committee on Foreign Affairs,

to whom this subject was referred, is reported to have in contemplation a comprehensive scheme of arbitration treaties with other nations going beyond anything that has yet been done; but, so far as I know, the details of the scheme have not yet been made public.

No adequate conception can be formed of the strength of the arbitration movement during the past year without taking into account the work of a large and increasing number of organizations whose special aim is, and has for a long time been, the promotion of better relations among the nations. Foremost among these are the peace societies, of which there are now about four hundred and fifty, which have carried on a vigorous campaign through the entire year. The Twelfth International Peace Congress, composed of delegates from these societies, and others, to the number of more than five hundred, held at Rouen, France, in September last, advanced the cause of arbitration and peace in Europe to a position of public confidence and influence never known before. No less powerful was the influence exerted by the Interparliamentary Union Conference held in the early part of September at Vienna under the auspices of the Austrian government, and attended by about six hundred delegates from the various European Parliaments. A little later the International Law Association Conference held at Antwerp and attended by more than a hundred eminent jurists and publicists, devoted an entire day to the subject of arbitration, which it has made a part of its program for more than thirty years. Furthermore, national peace and arbitration conferences in different countries, many commercial and industrial associations, labor organizations, church and social clubs, women's societies, like our National W. C. T. U. and the National Council of Women, have during the year been laboring in season and out of season for the promotion of the same great object for which we have met here to-day.

It is well within bounds to say that never before has the movement for the general and permanent use of arbitration, through an established and universally recognized tribunal, been so deep and strong and widespread, and the hope of its early and complete triumph so great, as since the Conference met here last year.

Influence of the Pan-American Railway on Arbitration and Peace among the American Republics.

Address of Hon. Charles M. Pepper, Special Commissioner, at the Mohonk Arbitration Conference, June 2.

Mr. Chairman, Ladies and Gentlemen:

In telling about the Pan-American Railway project and its possible influence on arbitration, let me first state what the plan is, what the hopes are, and even what are the limitations.

It is an old idea, this notion of linking together all the Americas by an iron and steel highway. So long as the subject was merely dreamed about, it did not come within the scope of enlisting the energies of practical men. But when the first Pan-American Conference held in Washington fourteen years ago took it up and passed resolutions, the enterprise became a little more tangible. Perhaps, like many other worthy objects con-

cerning which resolutions are passed or recommendations made in international assemblies, it would have been forgotten or regarded only as a remote aspiration, if more substantial measures had not been taken by some of the hard-headed men who were delegates to that Conference. They provided for an intercontinental survey, and they had influence enough with the Congress of the United States to get a fairly liberal appropriation, which was supplemented by other countries.

The survey was made, and when the second Pan-American Congress came to meet in Mexico something over two years ago, the full results of this engineering reconnaissance were available. Moreover, they were encouraging. Ex-Senator Henry G. Davis, a believer in the project and its persistent advocate, in the light of his experience as a railway builder said they should be followed up. When our woes were thickest over the arbitration controversies at the Mexican Conference, he had told us to look to practical measures to find the way out. So the second conference established a Permanent Committee on the subject. Mr. Carnegie, who believes in universal peace, accepted a place on the Committee along with Mr. Davis, the ambassador from Mexico, and the ministers from Peru and Guatemala, respectively. This Committee keeps in touch with the different governments and seeks to give publicity to what they are doing. Its plans are purely practical, but their fruition will have both a sentimental and an actual value for arbitration.

A further word in explanation. While it would be a magnificent enterprise for the United States to enter into treaties with the various republics of Central and South America and build this great trunk line, and while there is a precedent in the convention between the Argentine Republic and Bolivia, we all knew that this would not be done. Knowing what was not feasible, the next best thing was to secure such coöperation as was possible. This was obtained by the authority granted by Congress for the appointment of a Special Commissioner to carry out the resolution of the Conference and by the very hearty and sympathetic support extended by President Roosevelt's Administration through the State Department under Secretary Hay's direction. In this manner it came to me to spend a year in travel in the various countries and in conferring with the governments. The official report* gives the results of the mission in the form which we thought most likely to appeal to capitalists.

Since the three Americas are not likely to be joined by a railroad constructed by a single government, or by a single private company, the next best plan was to see what the different governments were doing and would do to promote within their own limits the general scheme of this North and South trunk line. This, really, was the most important part of the Special Commissioner's mission; that is, to secure the adoption of a uniform policy so that the enterprise as a whole could be carried forward. The results along this line of endeavor have been gratifyingly successful. Legislation has been enacted by several of the republics with this purpose in view and the passage of future laws is assured.

I should say, further, that while the value of railway

*This Report, covering seventy-five pages, is Senate Document No. 206, 58th Congress, 2d Session.